

Article XI. SPI-OH: Old Hampton District (4/29/92)

Sec. 17.3-68. Intent.

The Old Hampton District is of special and substantial public interest because it has served as the community's cultural, economic, and governmental center for over three hundred years; because it has acquired a unique atmosphere and charm, by virtue of its history and the influence of waterfront activities, which is not duplicated in the city and which is worthy of preservation and enhancement; because it has been the target of an on-going redevelopment effort which has sought to provide such preservation and enhancement; and because a significant capital commitment has been made already by the community in an effort to improve the physical character of the District.

It is the intent of these regulations to continue and expand the guidance provided in the Old Hampton Redevelopment and Conservation Plan, as amended, for the preservation and enhancement of the historic character of Old Hampton; to protect against undesirable encroachment upon the District to encourage uses which are both compatible with past development and supportive of the character to be preserved; and to assure that new structures and uses within the District will maintain visual and functional harmony with past private development which has taken place within guidelines established by local public agencies.

It is also the intent of these regulations to implement the recommendations contained in the 2004 Downtown Hampton Master Plan, as amended, which encourages a vibrant, mixed use downtown that is intimately connected to the waterfront, surrounding neighborhoods, and its heritage and that maintains its existing charm and intimacy.
(Amended 3/24/04)

It is further intended that any site plan or other reviews required by these regulations shall be carried out in accordance with the objectives stated above, and that any required approvals shall not be withheld except where the proposed development is definably inappropriate or incompatible with such objectives.

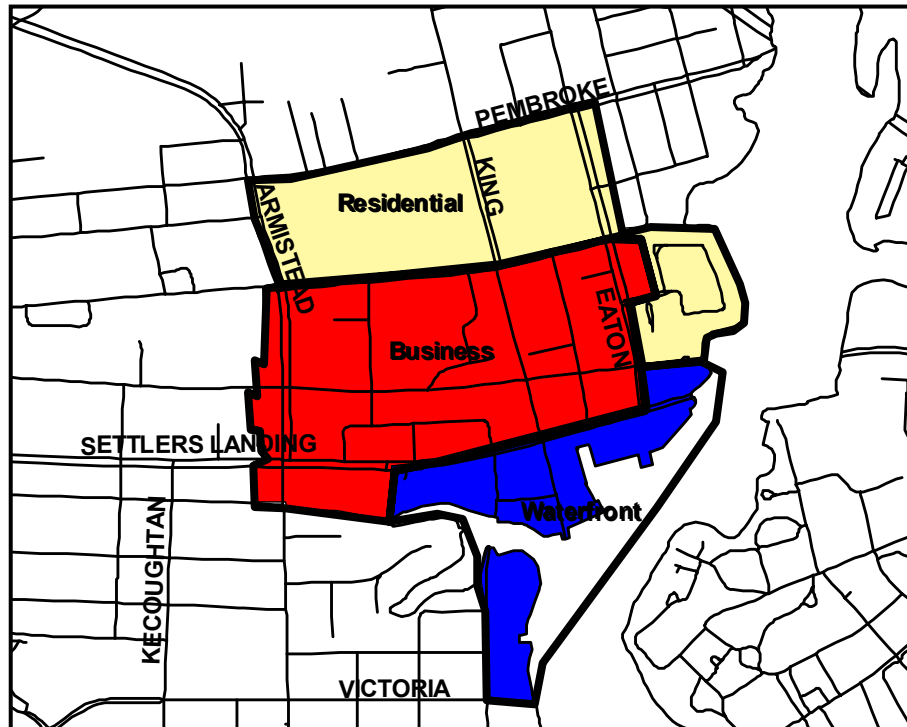
Sec. 17.3-69. Boundaries and Definitions.

The Old Hampton District shall include the area designated on the Zoning Map with the symbol SPI-OH. For the purposes of these zoning regulations, the following terms shall have the specific meaning as indicated:

- (1) Arterial highway. Settlers Landing Road, Armistead Avenue, Pembroke Avenue, Eaton Street, and Lincoln Street.
- (2) Exposure. Any face of a building and the lot area between that face and its corresponding property line.
- (3) Exposed principally to an arterial highway. Attached to or located in an exposure which is either contiguous to an

arterial highway or prominently visible without obstruction therefrom.

- (4) Waterfront Area. As delineated on the following map.
(amended 3/24/99)
- (5) Residential Area. As delineated on the following map.
(amended 3/24/99)
- (6) Business Area. As delineated on the following map. (amended 3/24/99)
- (7) High-rise building. Any building of more than three (3) stories or forty-five (45) feet.
- (8) Single-tenant building. A building which has only one (1) tenant.
- (9) Multi-tenant building. A building which has more than one (1) tenant.
- (10) Pedestrian level. Eight (8) foot minimum, fifteen (15) foot maximum, measured from the base of the building.
- (11) Mixed Use Structure. A building which contains two or more complementary and integrated uses, such as residential, office, retail, or parking. (Amended 3/24/04)



Division I. Permitted Uses and Related Provisions.

Sec. 17.3-70. Permitted Uses.

Subject to the locational restrictions set forth in the Old Hampton Redevelopment and Conservation Plan, as amended, if applicable, the following uses are permitted in the Old Hampton District:

(1) In the Business Area and the Waterfront Area:

- (a) Subject to the limitations of Section 11-2, all uses permitted in a Neighborhood Commercial (C-1) District, except:
 - (aa) tourist homes;
 - (bb) manufactured/mobile home parks and subdivisions;
 - (cc) signs, except as provided in this Article;
 - (dd) commercial parking lots, unless provided as a parking garage accessory to one or more principal uses in the same building; and
 - (ee) Deleted 7/9/97.
 - (ff) Deleted 7/9/97.
- (b) Auditoriums or assembly halls.
- (c) Bus terminals.
- (d) Hotels and motels, as prescribed in Section 12-1.
- (e) Manufacture of arts and crafts, subject to securing a Conditional Privilege. (amended 10/23/96)
- (f) Outdoor restaurants, lunchrooms, or cafes, excluding drive-ins, as an accessory use, subject to the following:
 - (aa) All outdoor dining areas shall conform to the provisions and guidelines of this section. No zoning certificate shall be issued to authorize the installation of an outdoor dining area without prior approval by the Zoning Administrator, after review by the Director of Planning and the City Health Department of the plans for such installation. Elements to be reviewed shall include: the type, number and placement of tables, chairs, and/or other dining furniture; the color, design and placement of canopies and awnings; the design and placement of planters, trash receptacles, bollards, fences, other street furnishings and landscaping; the type, amount and location of surface material to be applied and the corresponding loss of green space, if any, and the

type and amount of landscaping to be installed to compensate for that loss; the limits of encroachment, if any, into public rights-of-way; the width of the unobstructed pedestrian thoroughfare adjacent to the outdoor dining area; and overall conformance with the recommendations of the Downtown Master Plan.

- (bb) Any encroachment of an outdoor dining area into a public right-of-way must be approved by the City Council. The applicant must adhere to all terms and provisions specified in the agreement granted by the City Council.
- (cc) Any outdoor dining area shall be surfaced with bricks, wood decking, exposed aggregate, pavers or similar material effectively treated to facilitate maintenance and minimize dust. If required to meet the standards of the Chesapeake Bay Preservation District (SPI-CBPD), other surfaces may be used. Surfaces shall be kept free of litter and shall be graded to prevent pooling of water. No vehicle parking shall be permitted on these surfaces. If green space is lost due to the application of surface material, then landscaping shall be required to mitigate that loss.
- (dd) Deleted. (3/24/04)
- (ee) The outer edge of any outdoor dining area shall not reduce the adjacent pedestrian thoroughfare to less than four feet.
- (ff) Tables, chairs and other furniture placed within the outdoor dining area shall be readily available for use. Any furniture which is not readily accessible may not be stored within the outdoor dining area, but must be stored within a wholly enclosed structure.
- (gg) Where there are existing awnings or canopies on the street face block, the height, scale, and design of proposed awnings or canopies shall be compatible with them. Where none exist, proposed awnings or canopies shall be compatible with other design elements on the street face block.
- (hh) Signage on awnings and canopies is permissible and will count towards the maximum total signage allowed for the principal establishment.
- (ii) The hours of operation shall not extend beyond the normal operating hours of the principal establishment.

- (g) Noncommercial communication towers up to seventy-five (75) feet in height. Noncommercial communication towers in excess of seventy-five (75) feet in height, and commercial communication towers subject to securing a Use Permit. (Amended 9/9/98; 1/23/02)
- (h) Commercial Building Mounted Antenna, subject to securing a Use permit, provided the following (Amended 1/23/02):
 - (i) The building is not a single family dwelling;
 - (ii) The minimum height of the building shall be no less than thirty five (35) feet;
 - (iii) The height of the antenna (including support structures) shall not exceed twenty two feet above the highest point of the building; and
 - (iv) The antenna and support structures are painted so that they are compatible with the primary building structure, unless roof mounted. (amended 7/9/97)
 - (v) Intermodulation testing is coordinated through the Hampton Police Division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference. (Amended 1/23/02)
- (i) All uses permitted in an MD-T, MD-2, MD-3 or MD-4 District. (amended 1/27/99, 3/24/04))
- (j) Mixed-Use Structures, provided: (Amended 3/24/04)
 - (i) Uses may include two or more of the following elements: residential, office, retail, commercial or parking. (Amended 3/24/04)
 - (ii) Residential uses may not be combined with any other use on the same floor. (Amended 3/24/04)
 - (iii) Residential uses may not be located on pedestrian level and must have at least one separate exterior entrance. (Amended 3/24/04)

- (iv) No commercial, office, retail, or parking uses shall be located on any floor above a residential use. (Amended 3/24/04)
- (k) Commercial/Public Parking Garage (Amended 3/24/04)
- (2) In the Waterfront Area, in addition to the uses listed above:
 - (a) Boat building or repair, including sail-making.
 - (b) Boat tour and charter docking facilities.
 - (c) Processing or packaging of seafood.
 - (d) Sale or lease of boats and boat equipment, provided that boats on cradles or trailers need not be stored within a wholly enclosed building.
- (3) In the Residential Area:
 - (a) All uses permitted in an MD-T, MD-2, or MD-3 District.
 - (b) Government offices.
 - (c) Signs, however only as provided in this article.

Sec. 17.3-71. Lot Size Standards.

There shall be no minimum lot areas or lot dimensions in the Old Hampton Business and Waterfront areas. Minimum lot area and lot dimensions in the Old Hampton Residential area shall be as prescribed in the district in which each use is first permitted. (Amended 3/24/04)

Sec. 17.3-72. Height Regulations.

- (1) For the purpose of this section, the height of buildings on land shall be determined as prescribed in Section 2-16, provided that the base point for measurement may be raised to an elevation of eight and one-half (8-1/2) feet above mean sea level if such base point is otherwise below this elevation. The maximum height of buildings in the Old Hampton District shall be as follows:
 - (a) In the Waterfront Area:
 - (i) Forty-five (45) feet within any parcel bounded on one or more sides by the Hampton River or Salters Creek, including areas east of Bridge Street and south of Rudd Lane, and areas east of South King Street and south of Settlers Landing Road.
 - (ii) Fifty-five (55) feet within any parcel located within the Waterfront Area not included in (a) above.

- (b) In the Business and Residential Areas, seventy-five (75) feet, provided that:
 - (i) The maximum height of buildings, any portion of which are located within one hundred fifty (150) feet of Kings Way between Lincoln Street and a point representing the southernmost right-of-way line of Queens Way and within one hundred fifty (150) feet of a point representing the westernmost right-of-way line of Wine Street and a line representing the easternmost right-of-way line of High Court Lane, shall be forty (40) feet.
 - (ii) Except for buildings fronting on Kings Way or Queens Way as described above, the maximum height may be increased up to twenty (20) additional feet when parking facilities are incorporated into the building design. When one (1) full level of parking is provided in the building, the maximum height shall be eighty-five (85) feet; when two (2) full levels of parking are provided, the maximum height shall be ninety-five (95) feet.
- (2) For the purposes of this section, the maximum height of structures placed over the Hampton River or Salters Creek shall be thirty five (35) feet or two (2) stories, whichever is shorter. This height shall be determined as prescribed in Section 2-16, provided that the base point for measurement shall be an imaginary extension of the grade at the mean high water. (amended 1/27/99)

Sec. 17.3-73. Setbacks.

- (1) Setbacks in the Residential Area shall be as prescribed in Chapter 10, Multiple Dwelling District, where such density is first permitted.
- (2) In the Business and Waterfront Areas, there shall be no minimum setbacks, except: (Amended 3/24/04)
 - (a) A twelve (12) foot yard shall be required between the Hampton River or Salters Creek and any building, regardless of which yard shall front the body of water. This required yard shall be measured from the mean high water line, the water's edge of any existing or proposed bulkhead, or the landward edge of any existing or proposed riprap.
 - (b) Deleted. (3/24/04)
 - (c) Deleted. (3/24/04)

Sec. 17.3-74. Parking.

Off-street parking and loading areas shall be provided as required in Chapter 19 hereof, except that buildings erected so as to provide office and/or living space on more than three (3) floors shall furnish garage or vehicle parking space only to the extent that such office and/or living space exceeds three (3) floors.

Division II. Deleted 3/10/99